



Arts and Entertainment Work Group

11-17-2008

What is this topic?

Baltimore has a goal to be a City that accommodates the variety of artists' needs, including creating and selling art and potentially expanding opportunities for live performance. Artists often want to live where they work. Over recent years, there have been various efforts to modify the code to differentiate between types of live entertainment in an attempt to allow a variety of live entertainment uses while protecting adjacent properties from noise and other nuisances.

How do current approaches impact development?

Often, the nature of an artist's work requires industrial type spaces, but industrial zoning does not permit people to live there and has limits on retail uses. Artists often want to be able to sell their work directly from their live-in studio and this is not currently permitted in residential zones. In the current Zoning Code, various arts-related uses are not permitted in the same zoning categories, thus prohibiting artist live/work studios.

	Industrial Zoning	Business Zoning	Residential Zoning
Uses	Welding Jewelry Manufacturing Pottery Manufacturing Monument Works Lithographing Glass Manufacturing	Art Gallery Theater Custom Woodworking Tailor or Dressmaking Shop Printing and Publishing Photography Studio	Dwellings

Main Street commercial areas, usually zoned B-2, do not currently permit any type of live entertainment, even background music in restaurants.

What issues with the current approach should TransForm Baltimore help address?

The current Zoning Code presents significant barriers to the development of live/work communities for artists, which could provide Baltimore with a great cultural asset.

Currently, the Zoning Code makes no distinction between various types of live entertainment. The current Code lacks definitions for many entertainment-type uses, causing confusion for operators and neighbors.

Enforcement of existing restrictions on noise levels and other nuisances is lacking.

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Zoning Recommendations

Certain live entertainment and commercial uses and residences are incompatible.

Because approval of a live entertainment use is tied to the land rather than to the operator, adjacent businesses and property owners have little recourse if a legally established live entertainment use is operated poorly, creating problems with traffic, noise, trash, and security issues that affect the surrounding area.

What proposed approaches should be considered during the TransForm Baltimore process?

While some uses associated with the production of art work are not compatible in residential areas because of health and safety concerns, others may be permitted in overlay districts that could correspond to the existing Arts and Entertainment Districts, where there are already incentives for artists to locate but not the zoning to accommodate this live/work model.

Potential approaches to differentiating between types of live entertainment include establishment capacity ratings as determined by the Fire Marshall, maximum noise level as measured in decibels, hours of operation, and acoustic versus amplified live entertainment. A hierarchy of live entertainment uses should be created such that different zoning districts permit different tiers of live entertainment, with the most permissive zones approved to engage in all lower-tier live entertainment uses, for example:

	Classification	Live Entertainment Use
Most Permissive	Tier 1	Rock Concert/Disc Jockey
	Tier 2	Acoustic Background Music
Least Permissive	Tier 3	Poetry or Book Reading

Performance standards to regulate noise should be considered for residential zones and could be similar to the existing performance standards for the industrial zoning classification within the current Zoning Code.

Create a buffer between entertainment uses and residential uses except in entertainment overlay districts where there already are a clustering of entertainment uses.

Create a minimum distance permissible between entertainment uses to prevent clustering of entertainment uses outside of designated entertainment overlay districts.

Define various entertainment uses more precisely.

- **Currently, City Council had pending legislation that proposes to remove live entertainment from the Zoning Code and requiring licensure for establishments with live entertainment with enforcement by a newly established Board of Licenses for Live Entertainment, similar to the process for liquor licenses (Legislative File ID: 08-0163).**

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Zoning Recommendations

Licensing live entertainment versus zoning for live entertainment ties the approval of this use to an operator rather than a piece of land, and gives the Board of Licenses for Live Entertainment the ability to rescind a permit if a specific operator becomes problematic.

This approach could be pursued as another level of restriction without taking live entertainment out of the Zoning Code completely to ensure that establishments with live entertainment are in appropriate locations, concentrating these uses in entertainment districts away in order to minimize adjacencies with residential areas.

The Board of Licenses for Live Entertainment would add another level of bureaucracy that communities would have to work with and its responsiveness to community concerns would depend largely on the makeup of this enforcement board.

This legislation does not differentiate between types of live entertainment and would permit any type of live entertainment in existing restaurants that are non-conforming uses in residential districts.

Legislation should only target music rather than theater and poetry or book readings as these uses do not result in the same negative impacts.